

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

002441.001

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/525,062

INTERNATIONAL APPLICATION NO.
PCT/US03/25879

INTERNATIONAL FILING DATE
20 AUGUST 2003

PRIORITY DATE CLAIMED
20 AUGUST 2002

TITLE OF INVENTION

**RANDOM TRANSPOSON INSERTION IN STAPHYLOCOCCUS AUREUS AND
USE THEREOF TO IDENTIFY ESSENTIAL GENES**

APPLICANT(S) FOR DO/EO/US

FOLGER BRUCE, Kim et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☒ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☐ Express Mail Label No.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 19-0733 in the amount of \$ \$180.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-0733. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Michelle Couch
Chiron Corporation

Account No: 27476


SIGNATURE

Lisa M. Hemmendinger

NAME

42,653

REGISTRATION NUMBER

09 March 2006

DATE

U.S. APPLICATION NO (if known, see 37 CFR 1.5) 10/525,062	INTERNATIONAL APPLICATION NO. PCT/US03/25879	ATTORNEY'S DOCKET NUMBER 002441.00123
23. Other items or information: Response to Notification of Missing Requirements with Copy of Notification of Missing Requirements; Petition Under 37 C.R.F § 1.47a; Declaration of Michelle Couch and Petition for Extension of Time.		
The following fees have been submitted:		CALCULATIONS PTO USE
24. <input type="checkbox"/> Basic national fee \$300		\$ \$0.00
25. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) . . . \$0 All other situations. \$200		\$ \$0.00
26. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) . . . \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. \$100 International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. \$400 All other situations. \$500		\$ \$0.00
TOTAL OF 24, 25 and 26 =		\$ \$0.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)
- 100 =	0 /50 =	0
		x \$250.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$ \$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	21 - 20 =	1
Independent claims	3 - 3 =	0
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00		\$ \$0.00
TOTAL OF ABOVE CALCULATIONS =		\$ \$180.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		\$ \$0.00
SUBTOTAL =		\$ \$180.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$ \$0.00
TOTAL NATIONAL FEE =		\$ \$180.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +		\$ \$0.00
TOTAL FEES ENCLOSED =		\$ \$180.00
03/14/2006 LLANDGRA 00000030 190733 10525062 01 FC:1617 130.00 DA 02 FC:1615 50.00 DA		Amount to be \$ Amount to be \$

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
) Group Art Unit: TBA
FOLGER BRUCE, Kim, *et al.*)
) Examiner: TBA
Serial No. 10/525,062)
) Atty. Dkt. No. 002441.00123
Filed: February 18, 2005)

For: **RANDOM TRANSPOSON INSERTION IN STAPHYLOCOCCUS
AUREUS AND USE THEREOF TO IDENTIFY ESSENTIAL GENES**

**RESPONSE TO NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. § 371**

Commissioner of Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This paper responds to the Notification Of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office (DO/EO/US) dated August 9, 2005. Charge our Deposit Account No. 19-0733 for the following:

\$ 130.00 late declaration surcharge (large entity);
\$ 1,080.00 extension fee (5 months – large entity);
\$ 50.00 excess claim fees.

If any other fees are required, charge our Deposit Account No. 19-0733.

The following items accompany this paper:

1. Fee Transmittal Sheet Form PTO-1390 (Modified) in Duplicate;
2. Copy of the Notification of Missing Requirements;
3. Executed Declaration for Patent Application;
4. Petition Under 37 C.F.R. § 1.47(a);
5. Declaration of Michelle Couch;
6. Second preliminary amendment; and
7. Petition for Extension of Time.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Date: March 9, 2006

By:



Lisa M. Hemmendinger
Registration No. 42,653

Customer Number: 22907